IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CIVIL WRIT PETITION NO. 5779 OF 2006 (O&M)

DATE OF DECISION: February 26, 2007

Parties Name

Nursy and others

..PETITIONERS

VERSUS

State of Haryana and others

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASBIR SINGH
HON'BLE MR. JUSTICE VINOD K. SHARMA

PRESENT: Mr. V.K. Bali,
Advocate, for the petitioner

Mr. Rajbir Sehrawat, Sr. D.A.G., Haryana

JASBIR SINGH, J. (oral)

Order.

CM No. 2935 of 2007:

This application is allowed and replication is taken on record.

CWP No. 5779 of 2006

This writ petition has been filed with a prayer to issue a writ of mandamus, directing the respondents, especially Sarpanch of the Gram Panchayat(respondent No. 4) not to give effect to the auction, conducted by the Gram Panchayat, with regard to agricultural land in dispute.

It is contention of counsel for the petitioners that the petitioners are owners of the land in dispute and the Gram Panchayat has wrongly put the same on auction. If that is so, proper remedy is available to the petitioner under the Punjab Village Common Lands (Regulation) Act, 1961, as applicable to Haryana.

Counsel for the petitioners further states that as per direction issued by this Court vide order Annexure P-4, revenue record has not been prepared by the authorities. So far as this part is concerned, the petitioners can avail appropriate remedy, to get the order, referred to above, implemented. As per information supplied, the petitioners have already filed a contempt petition. Before us, it is in dispute as to whether the petitioners are owners of the land in dispute or not? It is positive assertion of the petitioners that they are the owners, whereas Gram Panchayat says that they are the lessees. Such like disputed questions are not supposed to be decided in a writ petition. Parties are at liberty to avail any other remedy to get their disputes settled. No case is made out for interference at this stage. Disposed of.

(Jasbir Singh)
Judge

(Vinod K. Sharma)
Judge

February 26, 2007.
DKC